

STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT
56 Old Suncook Road
Concord, NH 03301-7317

Charles N. Blossom
Insurance Commissioner

BULLETIN

Docket INS NO. 98-005-AB

TO: All New Hampshire Licensed Life and
Accident & Health Insurance Companies

FROM: Charles N. Blossom
Insurance Commissioner

DATE: March 16, 1998

**RE: Testing for Human Immunodeficiency Virus
and Informed Consent - REVISED 3/30/98**

Pursuant to RSA 417:4 , XIX (a), no person may test any individual in connection with an application for insurance for the presence of an antibody or antigen to a human immunodeficiency virus unless such individual gives written consent on a form approved by the insurance commissioner. Prior to this date, the consent form approved by the Insurance Commissioner has allowed insurers to use only a blood test.

The purpose of this Bulletin is to announce the Insurance Commissioner's approval of a revised consent form. A copy of the revised form is attached. You will note that this form allows testing of blood, urine or an oral fluid sample. Insurers may begin to use the revised consent form beginning immediately upon their receipt of this Bulletin. The consent form is not considered to be a policy or contract form. Accordingly, there is no need for insurers to file their consent form for approval. However, it should be understood that insurers are not permitted to use a consent form that deviates from the approved consent form.

If you have any questions concerning this Bulletin, you may write or call Robert Warren, Director; or Maureen Campbell, Senior Life and Health Insurance Examiner; of the Life, Accident and Health Division at 603-271-2261. You can also contact them through our web site at www.state.nh.us/insurance/.

attachment

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HIV ANTIBODY TESTING CONSENT FORM

The insurance company to which you have applied may request a blood, urine, or oral fluid sample from you for testing. One test will be to detect the presence of antibodies to the Human Immunodeficiency Virus (HIV). HIV is the virus which causes AIDS. The New Hampshire Unfair Insurance Trade Practices Act (RSA 417) provides for an insurance company to test for the presence of an antibody or antigen to HIV only upon your written consent. The results of this test may determine your eligibility to acquire insurance. By signing this form, you have consented to the HIV test and the reporting of the test results to the insurance company taking your application. Positive test results will not be disclosed except as authorized by you in writing. Negative and indeterminate (inconclusive) test results may be disclosed to reinsurers, contractually retained medical personnel and insurance affiliates or subsidiaries that are involved in necessary underwriting decisions regarding your application. The insurance company and any other party receiving the negative or indeterminate test results will maintain the results of your HIV antibody test as confidential.

If your test results indicate the presence of antibodies to HIV, or if your test results cannot be accurately determined, the insurance company will report a "nonspecific abnormality" to the Medical Information Bureau. The Medical Information Bureau contains the names and computerized medical records of insurance applicants nationally. The report will not identify you as having a abnormal HIV antibody test because many abnormalities are reported to the Bureau under the same classification.

The HIV antibody test is extremely accurate. However, in rare instances the test may be positive in persons who are not infected with the virus. Additionally, the test may occasionally be negative in persons who are infected with HIV (a false negative) especially when the infection occurred within the previous 3-6 months.

If your HIV antibody test is positive, it does not mean that you have AIDS. A positive test indicates that you have been infected with HIV. It also means that HIV is present in your body fluids (such as blood, semen, vaginal secretions) and that you could infect other people through sexual contact, by sharing intravenous needles, by having a baby, or by donating blood, semen, or body organs. Persons who have a positive HIV antibody test should see a physician as soon as possible.

A negative test result means no antibodies to the HIV virus were found. Because of varying incubation periods, absence of HIV antibodies does not mean that you have not been infected with the virus. Nor does absence of HIV antibodies mean that you are immune to the virus.

Public health authorities urge that everyone become educated about how to protect themselves from HIV infection. If you have questions, you should consult your own physician or call the New Hampshire AIDS Hotline at 1-800-752-AIDS.

The insurance company will notify you if your test results are positive or if your results cannot be accurately determined. If you request, the company will also send your results to a physician or other person. You should request that your results be sent to your private physician so that he/she can interpret them for you.

In the event of a positive or indeterminate test result, I authorize disclosure to the following physician or other person or entity:

Name of Physician or other person/entity

Street Address

City

State

ZIP

Informed Consent

I have read and understand this information. I voluntarily consent to provide a sample of my blood, urine, or oral fluid, the testing of that blood, urine, or oral fluid and the disclosure of the test results as described above.

Proposed Insured

Date of Birth

Signature of Proposed Insured

Date Signed by Proposed

State of Residence

Signature of Witness